

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOHN J. DIAMONT, JR.,

Defendant.

CRIMINAL NO. 05-10154-MLW

**DEFENDANT'S ASSENTED-TO MOTION FOR LEAVE TO FILE
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF HIS MOTION *IN LIMINE*
TO EXCLUDE DISPUTED INVOICES AND DISPUTED CHECKS**

Pursuant to Local Rule 7.1(B)(3), defendant John Diamont moves for leave of Court to file his Supplemental Memorandum in Support of His Motion *In Limine* to Exclude Disputed Invoices and Disputed Checks. After repeated requests dating from before the defendant filed his Motion *In Limine*, the government finally, this week, produced additional evidence that is both highly exculpatory and serves to directly refute the admissibility of the Disputed Evidence that is the subject of the defendant's Motion *In Limine*. For the reasons set forth in greater detail in the Supplemental Memorandum that the defendant has filed herewith, the defense believes it is extremely important for the Court to have access to this newly produced evidence in deciding the defendant's Motion *In Limine* and in deciding whether to conduct an evidentiary hearing on that Motion. The Supplemental Memorandum is limited to discussing the significance of this newly produced evidence. The government does not object to allowing the defendant to file this Supplemental Memorandum.

WHEREFORE, the defendant asks the Court to grant him leave to file the Supplemental Memorandum in support of his Motion *In Limine* that he has submitted herewith.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen
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Dated: August 4, 2006

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have conferred with counsel for the government and have attempted in good faith to resolve or narrow the issues presented in this Motion. The government does not object to this Motion.

/s/ Lauren M. Papenhausen

CERTIFICATE OF SERVICE

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 4, 2006.

/s/ Lauren M. Papenhausen

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